

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE FOR THE SIXTH
JUDICIAL DISTRICT AT KNOXVILLE

STATE OF TENNESSEE,
Plaintiff,

v.

TERRY W. NOEL

Defendant.

**ORDER RELATING TO ADDITIONAL
POWERS OF HOWARD HOGAN,
COURT APPOINTED RECEIVER
AND SETTING FORTH THE
PROCEDURES FOR
RELEASING CLIENT FILES**

Mr. Howard G. Hogan, the Court appointed receiver in this matter, asked this Court for additional clarification of his powers and duties relating to the release of client files during the Compliance Hearing on Monday, September 6, 1996. Based upon the statements of counsel and the record herein, the Court finds as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that this Court grants Mr. Hogan the authority to hire any persons necessary to appropriately review and process the files of former clients of Terry W. Noel, which have been delivered to him in the role of receiver.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Hogan shall release client files in the following manner:

(1) Mr. Hogan shall require that a client requesting a file present photographic identification, such as a driver's license, to Mr. Hogan or his designated representative indicating that the person is in fact the client to whom the file belongs.

(2) Before releasing the file, Mr. Hogan shall require that each client execute a receipt indicating that they have reviewed the file and that it is in fact their complete client file. The receipt shall be dated and signed by the client and shall indicate the client's current address and telephone number. A copy of the photographic identification shall be attached to the original receipt retained by Mr. Hogan. Mr. Hogan shall provide a copy of all such receipts to counsel for the State.

(3) In the event that a client, after reviewing his or her file indicates that the file is not complete, Mr. Hogan shall make a copy of the entire file as it was provided to him. Mr. Hogan shall retain the original of the file. Further, in order to receive the copy of the incomplete file, the client shall be required to sign a receipt indicating his or her current address and telephone number and listing in detail each item missing from the file. Mr. Hogan shall provide a copy of said receipt to counsel for the State.

(4) At the request of the Defendant, Mr. Hogan shall copy a client's file prior to releasing it to a client. Mr. Hogan shall retain the copy of the file in his records. Further, Mr. Hogan shall not produce the file to the Defendant. However, the Defendant shall have the right to request of this Court that a copy of the file be produced for him for his inspection. The State, Mr. Hogan, the effected client and the Defendant shall have notice of, and an opportunity to be heard, at a hearing prior to release of copy of a client's file to the Defendant. The notice shall be given at least ten business days prior to the hearing.

(5) All files continue to be the protected property of each client in accordance with the Protective Orders entered previously by this Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant shall bear any and all copying costs associated with the process outlined in Number 4 above.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Howard G. Hogan, as receiver, shall be permitted to request further direction or additional powers from the Court at any time as it relates to his duties and responsibilities as a receiver of the files of the former clients of Terry W. Noel.